



## The MARYLAND HEALTH CARE COMMISSION

### Health Information Exchange Policy Board Operating Guidelines

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#### Background

Maryland law (Health-General Article §§4-301 and 4-302) effective on October 1, 2011, requires the Maryland Health Care Commission (MHCC) to adopt regulations for the privacy and security of protected health information exchanged through a health information exchange (HIE). The MHCC assembled an HIE Policy Board (Policy Board), an advisory group to recommend to MHCC staff privacy and security policies for all HIEs operating in Maryland. The policies developed by the Policy Board are used to inform staff in the development of proposed HIE regulations.

#### Duties

The Policy Board advises MHCC on the development, evaluation, and revision of policies regarding the privacy and security of protected health information exchanged through an HIE operating in the State. The recommendations of the Policy Board aim to: 1) maximize the benefit of HIE for health care consumers and providers, 2) mitigate potential privacy and security concerns for consumers, 3) promote consumer control over the use of and access to consumer health information, to the extent technically feasible, 4) support current law, 5) minimize overall costs to the health care system, and 6) facilitate public health and appropriate research uses.

#### Members

Members are selected based upon broad stakeholder representation with a strong consumer orientation. Stakeholders with an interest in developing HIE policies and have been employed by a Maryland-based organization or resided in the State with experience in health care, health information technology or other related field may submit nominations to become a member of the Policy Board. Organizations may nominate an individual, or individuals may nominate themselves to represent the organization or the interest of health care consumers. Representation will consist of members representing health care consumers and members from each of the below industries:

- Health care providers;
- Payer organizations;
- Business community; and
- Public health organizations

The membership term is for three years, and members may be reappointed for up to two terms. In case of a vacancy prior to an expired term, the organization represented may nominate a successor for the vacant seat, or MHCC may identify an alternate for the remainder of the term.



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### Workgroups

Workgroups will be assembled to develop recommendations to the Policy Board. The workgroups will consist of a subset of Policy Board members, and participation is open to all members. Responsibilities of the workgroup include, among other things, proposing policies for developing and recommending to the Policy Board any changes to current policies and HIE regulations.

### Decision Making Process

The Policy Board and its workgroups will use Roberts Rules of Order<sup>1</sup> to guide decision making; however, a more informal process of discussion and deliberation may also be used if no objection is raised by a member of the Policy Board. The below outlines a general decision making process to be followed by the Policy Board.

1. The Policy Board will identify policies for development or changes to existing HIE regulations, which will be forwarded to the workgroup for deliberation.
2. The workgroup will draft the proposed policy and consider potential changes to existing HIE regulations.
3. The outcome of the workgroup deliberations will be a majority recommendation to the Policy Board for consideration. The workgroup may also submit a minority opinion for review by the Policy Board.
4. The workgroup will evaluate Policy Board member feedback on the recommendations and prepare the policy or proposed change(s) to the HIE regulations for a vote.
5. Workgroup results in draft form will be shared electronically with members in advance of the Policy Board meeting.
6. The Policy Board will convene to consider policies or other related work and to take action on the recommendations of the workgroup.
7. A representative from the workgroup will present the policy, proposed change(s) to the HIE regulations, etc., including any minority opinions.
8. Public attendees will be given the opportunity to provide oral comment. Each member of the public recognized by the Policy Board will be allotted up to three minutes.

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<sup>1</sup> A parliamentary procedure that is based on the consideration of the rights: of the majority, of the minority (especially a large minority greater than one-third), of individual members, of absentee members, of all of these groups taken together. Additional information available at: <http://www.rulesonline.com>.



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9. The Chair will ask for a motion to approve a proposed action, and if seconded, discussion will ensue with a call for a vote.
10. Actions taken by the Policy Board are based on a majority rule; any member can request a super majority vote through the motion process. There must be a quorum for voting purposes, where at least 51 percent of the members are in attendance.
11. Staff will tally the votes, and the Chair will announce the results.
12. Votes will be recorded in the meeting summary and will be publically available.
13. Voting members may submit a written minority opinion that will be documented in the meeting summary.

### **Meetings**

The Policy Board will hold approximately four meetings per year. The meeting schedule detailing the location and time of the meetings will be available on the Policy Board webpage located on MHCC's website at: [http://mhcc.dhmh.maryland.gov/hit/hiePolicyBoard/Pages/hie\\_pb\\_main.aspx](http://mhcc.dhmh.maryland.gov/hit/hiePolicyBoard/Pages/hie_pb_main.aspx).

Policy Board Members will receive meeting notification via e-mail approximately two weeks prior to the meeting date. The notification will include a reminder about the date, time, and location of the meeting, and instructions regarding any meeting materials that will be posted on the Policy Board webpage. Members are requested to confirm their participation in meetings upon receipt of the meeting notification e-mail. Members are encouraged to schedule the designated days for Policy Board meetings on their calendars in advance for the entire year. Workgroup meetings will be scheduled on an ad hoc basis between the Policy Board meetings. Policy Board meetings and workgroup meetings are subject to change.

The MHCC will electronically record each meeting of the Policy Board and may post a meeting summary on the Policy Board webpage. All meetings of the Policy Board and workgroup are open to the public. The Policy Board may invite the public to present on specific topics, either on its own initiative or in response to a request from a member of the public.